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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,427

02/14/2006

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EXAMINER

CULBERT, ROBERTS P

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

03/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,427	Applicant(s) TSUJI ET AL.	
	Examiner Roberts Culbert	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/14/06, 10/26/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art (APA) in view of U.S. Patent 5,182,140 to Watanabe et al.

Applicant teaches (Background Paragraphs 2-8) that the prior art teaches a process for producing a filter catalyst, the process comprising a step of preparing a coating slurry in which an inorganic oxide (alumina) powder is dispersed, and coating the coating slurry onto a catalyst-support substrate composed of a porous material having a plurality of cells extending in the axial direction a step of removing the coating slurry in excess from the catalyst-support substrate with the coating slurry coated and a step of drying-calcining the coating slurry. Applicant teaches the invention differs from the prior art in that the removing of the coating slurry in excess is carried out by performing the following steps repeatedly:

Art Unit: 1792

a step of holding one of the axial opposite ends of the catalyst-support substrate and another axial opposite end thereof in such a state that a pressure difference is given there between; and a step of holding the one of the opposite ends of the catalyst-support substrate and the other opposite end thereof in an identical pressure state.

However, Watanabe teaches removing of a coating slurry in excess from a support is carried out by performing the following steps repeatedly: a step of holding one of the axial opposite ends of the catalyst-support substrate and another axial opposite end thereof in such a state that a pressure difference is given there between; and a step of holding the one of the opposite ends of the catalyst-support substrate and the other opposite end thereof in an identical pressure state. (*See esp. Col. 12, Line 62 – Col. 13, Line 5 and discussion of side sealing and holder (22)*).

It would have been obvious to one of ordinary skill in the art at the time of invention to perform the steps as broadly recited in order to remove the coating in the well known manner as recited by Watanabe et al.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art ((APA) in view of U.S. Patent 5,182,140 to Watanabe et al. and in further view of JP 2002-204958 to Nakamura et al.

Regarding Claim 3, the Admitted Prior Art (APA) in view of Watanabe et al. does not expressly teach oxide powder particle diameter 70% value of 1 micron or less. However, slurries having particle sizes within the nano-scale to micro-scale range are well known in the art. For example, Nakamura et al. teaches adjusting particle size for exhaust type catalyst slurry in the range 0.1-5 microns. (*See attached abstract*) It would have been obvious to one of ordinary skill in the art at the time of invention to provide a suitable slurry particle diameter distribution for exhaust type slurry to be deposited on a support.

Conclusion

Art Unit: 1792

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberts Culbert whose telephone number is (571) 272-1433. The examiner can normally be reached on Monday-Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roberts Culbert/
Primary Examiner, Art Unit 1792